

**ANNUAL TOWN MEETING MINUTES  
MAY 16, 2006**

Place: Tyngsborough Elementary School  
Moderator: Town Clerk

Time: 7:02 PM  
Voters Present: 3

Due to the absence of the elected town moderator, the town clerk opened the meeting.

**Motion:** To continue the Annual Town Meeting on May 23, 2006 at 7:00 PM at the Tyngsborough Elementary School.  
**Action:** Carries.

Meeting adjourned at 7:30 PM to open the Special Town Meeting.

**SPECIAL TOWN MEETING MINUTES  
MAY 16, 2006**

Place: Tyngsborough Elementary School  
Moderator: Town Clerk

Time: 7:30 PM  
Voters Present: 3

Due to the absence of the elected town moderator, the town clerk opened the meeting.

**Motion:** To continue the Special Town Meeting on May 23, 2006 at 7:30 PM at the Tyngsborough Elementary School.  
**Action:** Carries.

Meeting adjourned at 7:32 PM.

Attest: A true copy  
Joanne Shifres  
Town Clerk

**CONTINUATION OF ANNUAL TOWN MEETING – MAY 23, 2006**

Place: Tyngsborough Elementary School  
Time: 7:02 PM  
Moderator: Robert L. Kydd, Jr.

Voters Present: 307

Chairwoman Karyn Puleo began by addressing the meeting thanking all the individuals and organizations who assisted in the recent flood emergency. The meeting opened with the Pledge of Allegiance to the Flag.

**Motion:** To allow the following individuals, who are not Town residents, to address the meeting: Town Administrator Rosemary Cashman, Town Counsel Charles Zaroulis, Superintendent of Schools David Hawkins, State Rep. Colleen Garry, Town Accountant Leon Cote, Town Treasurer Pauline Guilmette, and Attorney George Malonis.  
**Action:** Carries

**Article 2.** To see if the Town will vote to accept the reports of the Town Officers and Committees as printed, or take any other action relative thereto.

**Motion:** That the Town vote to accept the reports of the Town Officers and Committees as printed.  
**Action:** Carries.

**Article 3.** To choose all officers not named in Article 1 of the Annual Town Election Warrant, or take any other action relative thereto.

**Motion:** That the Town vote to appoint Alan A. Sherburne and Robert W. Sherburne as Surveyor of Wood, Bark and Lumber and to appoint Nancy A. Johnson and Kevin V. O'Connor to the Memorial Day Committee.

**Action:** Carries.

**Article 4.** To see if the Town will vote to fix the salary and compensation of elective officers of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws, as amended, for the Fiscal Year 2007 (July 1, 2006 - June 30, 2007), or take any other action relative thereto.

Salaries of the Elected Officials are included in the Department Appropriations.

	<b>SALARIES</b>	<b>REQUEST</b>	<b>RECOMMENDED</b>
	7/01/05	7/01/06	7/01/06
	6/30/06	6/30/07	6/30/07
<u><b>Elective Town Officers</b></u>			
Moderator	\$ 0	\$ 0	\$ 0
Selectmen Members (5)	\$ 0	\$ 0	\$ 0
Tax Collector	\$51,021	\$53,062	\$51,838
Town Clerk	\$47,445	\$49,343	\$48,276
Assessors (3)			
Chairman	\$ 1.00	\$ 2,415	\$ 1
Member (1)	\$ 1.00	\$ 2,205	\$ 1
Member (1)	\$ 0.00	\$ 2,205	\$ 0
Board of Health			
Chairman	\$ 0	\$ 640	\$ 0
Members (4)	\$ 0	\$ 2,080	\$ 0
Tree Warden	\$ 0	\$ 0	\$ 0
Cemetery Commissioners (3)	\$ 0	\$ 0	\$ 0
School Committee (7)	\$ 0	\$ 0	\$ 0
Library Trustees (6)	\$ 0	\$ 0	\$ 0
Sewer Commissioners (3)			
Chairman	\$ 2,000	\$ 2,000	\$ 0
Members (2)	\$ 3,000	\$ 3,000	\$ 0
Planning Board (5)			
Chairman	\$ 0	\$ 1,200	\$ 0
Members (4)	\$ 0	\$ 4,000	\$ 0
Finance Committee (5)	\$ 0	\$ 0	\$ 0
Constables (2)	\$ 0	\$ 0	\$ 0
Greater Lowell Technical High School (1)	\$ 0	\$ 0	\$ 0

**Motion:** That the Town fix the salary and compensation of elective officers as shown in the recommended column.

**Action:** Carries

**Article 5.** To see if the Town will vote to raise and appropriate a sum of money as may be necessary to fund town expenses for the ensuing year, or take any other action relative thereto.

	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2007</b>	<b>FY 2007</b>
	<b>ADJUSTED</b>	<b>DEPT</b>	<b>SELECTMEN</b>	<b>FINCOM</b>
<b>DEPARTMENT/DESCRIPTION</b>	<b>BUDGET</b>	<b>REQUEST</b>	<b>PROPOSED</b>	<b>PROPOSED</b>
... 1 SALARIES & WAGES:	0.00	0.00	0.00	0.00
... 2 DEPT. EXPENSES:	0.00	0.00	0.00	0.00
<b>DEPT 114 MODERATOR:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
... 1 SALARIES & WAGES:	33,153.00	68,153.00	66,663.00	66,663.00
... 2 DEPT. EXPENSES:	35,800.00	7,190.00	7,190.00	7,190.00
<b>DEPT 122 SELECTMEN:</b>	<b>68,953.00</b>	<b>75,343.00</b>	<b>73,853.00</b>	<b>73,853.00</b>

... 1 SALARIES & WAGES:	142,398.00	156,080.00	99,646.00	99,646.00
... 2 DEPT. EXPENSES:	10,000.00	13,600.00	13,600.00	13,600.00
<b>DEPT 123 TOWN ADMINISTRATOR:</b>	<b>152,398.00</b>	<b>169,680.00</b>	<b>113,246.00</b>	<b>113,246.00</b>
... 2 DEPT. EXPENSES:	10,000.00	82,000.00	82,000.00	82,000.00
<b>DEPT 124 TOWN MEETING ARTICLES:</b>	<b>10,000.00</b>	<b>82,000.00</b>	<b>82,000.00</b>	<b>82,000.00</b>
... 2 DEPT. EXPENSES:	1,791.00	0.00	0.00	0.00
<b>DEPT 125 UNPAID BILLS:</b>	<b>1,791.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
... 1 SALARIES & WAGES:	0.00	0.00	0.00	0.00
... 2 DEPT. EXPENSES:	0.00	0.00	0.00	0.00
<b>DEPT 129 COMMUNITY DEVELOPMENT:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
... 1 SALARIES & WAGES:	0.00	0.00	0.00	0.00
... 2 DEPT. EXPENSES:	1,540.00	1,540.00	1,540.00	1,540.00
<b>DEPT 131 FINANCE COMMITTEE:</b>	<b>1,540.00</b>	<b>1,540.00</b>	<b>1,540.00</b>	<b>1,540.00</b>
... 2 DEPT. EXPENSES:	3,935.53	47,000.00	47,000.00	47,000.00
<b>DEPT 132 RESERVE FUND:</b>	<b>3,935.53</b>	<b>47,000.00</b>	<b>47,000.00</b>	<b>47,000.00</b>
... 1 SALARIES & WAGES:	67,516.00	69,271.00	67,713.00	67,713.00
... 2 DEPT. EXPENSES:	3,405.00	3,825.00	3,825.00	3,825.00
<b>DEPT 135 ACCOUNTANT:</b>	<b>70,921.00</b>	<b>73,096.00</b>	<b>71,538.00</b>	<b>71,538.00</b>
... 2 DEPT. EXPENSES:	27,520.00	25,000.00	25,000.00	25,000.00
<b>DEPT 136 ANNUAL AUDITS:</b>	<b>27,520.00</b>	<b>25,000.00</b>	<b>25,000.00</b>	<b>25,000.00</b>
... 1 SALARIES & WAGES:	92,096.00	104,649.00	93,054.00	93,054.00
... 2 DEPT. EXPENSES:	11,600.00	17,250.00	16,350.00	16,350.00
<b>DEPT 141 ASSESSORS:</b>	<b>103,696.00</b>	<b>121,899.00</b>	<b>109,404.00</b>	<b>109,404.00</b>
... 2 DEPT. EXPENSES:	15,750.00	20,000.00	15,000.00	15,000.00
<b>DEPT 142 RECLASSIFICATION:</b>	<b>15,750.00</b>	<b>20,000.00</b>	<b>15,000.00</b>	<b>15,000.00</b>
... 1 SALARIES & WAGES:	103,733.00	90,325.00	84,270.00	84,270.00
... 2 DEPT. EXPENSES:	20,950.00	18,645.00	18,645.00	18,645.00
<b>DEPT 145 TREASURER:</b>	<b>124,683.00</b>	<b>108,970.00</b>	<b>102,915.00</b>	<b>102,915.00</b>
... 1 SALARIES & WAGES:	89,971.00	92,616.00	90,481.00	90,481.00
... 2 DEPT. EXPENSES:	30,509.49	31,320.00	29,320.00	29,320.00
<b>DEPT 146 TAX COLLECTOR:</b>	<b>120,480.49</b>	<b>123,936.00</b>	<b>119,801.00</b>	<b>119,801.00</b>
... 2 DEPT. EXPENSES:	59,972.00	59,650.00	59,650.00	59,650.00
<b>DEPT 151 TOWN COUNSEL:</b>	<b>59,972.00</b>	<b>59,650.00</b>	<b>59,650.00</b>	<b>59,650.00</b>
... 2 DEPT. EXPENSES:	70,000.00	55,000.00	55,000.00	55,000.00
<b>DEPT 152 SPECIAL LEGAL SERVICES:</b>	<b>70,000.00</b>	<b>55,000.00</b>	<b>55,000.00</b>	<b>55,000.00</b>
... 1 SALARIES & WAGES:	64,982.00	67,504.00	66,087.00	66,087.00

... 2 DEPT. EXPENSES:	1,850.00	1,950.00	1,950.00	1,950.00
<b>DEPT 160 TOWN CLERK:</b>	<b>66,832.00</b>	<b>69,454.00</b>	<b>68,037.00</b>	<b>68,037.00</b>
... 1 SALARIES & WAGES:	0.00	0.00	0.00	0.00
... 2 DEPT. EXPENSES:	250.00	250.00	250.00	250.00
<b>DEPT 161 LICENSES &amp; FINES:</b>	<b>250.00</b>	<b>250.00</b>	<b>250.00</b>	<b>250.00</b>
... 1 SALARIES & WAGES:	7,600.00	16,400.00	16,400.00	16,400.00
... 2 DEPT. EXPENSES:	7,275.00	13,340.00	13,340.00	13,340.00
<b>DEPT 162 ELECTION/REGISTRATION:</b>	<b>14,875.00</b>	<b>29,740.00</b>	<b>29,740.00</b>	<b>29,740.00</b>
... 1 SALARIES & WAGES:	44,566.00	47,867.00	43,001.00	43,001.00
... 2 DEPT. EXPENSES:	6,246.95	6,050.00	6,050.00	6,050.00
<b>DEPT 171 CONSERVATION COMMISSION:</b>	<b>50,812.95</b>	<b>53,917.00</b>	<b>49,051.00</b>	<b>49,051.00</b>
... 2 DEPT. EXPENSES:	0.00	2,000.00	0.00	0.00
<b>DEPT 172 OPEN SPACE PLAN:</b>	<b>0.00</b>	<b>2,000.00</b>	<b>0.00</b>	<b>0.00</b>
... 2 DEPT. EXPENSES:	2,737.00	2,803.00	2,803.00	2,803.00
<b>DEPT 174 N. MIDDX. COUNCIL OF GOV'T:</b>	<b>2,737.00</b>	<b>2,803.00</b>	<b>2,803.00</b>	<b>2,803.00</b>
... 1 SALARIES & WAGES:	13,769.00	20,244.00	13,456.00	13,456.00
... 2 DEPT. EXPENSES:	29,750.00	26,500.00	12,500.00	12,500.00
<b>DEPT 175 PLANNING BOARD:</b>	<b>43,519.00</b>	<b>46,744.00</b>	<b>25,956.00</b>	<b>25,956.00</b>
... 1 SALARIES & WAGES:	0.00	2,450.00	0.00	0.00
... 2 DEPT. EXPENSES:	4,691.00	4,691.00	4,691.00	4,691.00
<b>DEPT 176 ZONING BD OF APPEALS:</b>	<b>4,691.00</b>	<b>7,141.00</b>	<b>4,691.00</b>	<b>4,691.00</b>
... 2 DEPT. EXPENSES:	0.00	0.00	0.00	0.00
<b>DEPT 181 HOUSING/DEVELOPMENT:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
... 2 DEPT. EXPENSES:	43,812.00	200.00	200.00	200.00
<b>DEPT 182 CAPITAL MANAGEMENT:</b>	<b>43,812.00</b>	<b>200.00</b>	<b>200.00</b>	<b>200.00</b>
... 2 DEPT. EXPENSES:	0.00	0.00	0.00	0.00
<b>DEPT 184 COMMUNITY PRESERVATION:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
... 2 DEPT. EXPENSES:	0.00	0.00	0.00	0.00
<b>DEPT 185 AMERICAN DISABILITIES:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
... 2 DEPT. EXPENSES:	93,700.00	93,700.00	93,700.00	93,700.00
<b>DEPT 192 TOWN HALL:</b>	<b>93,700.00</b>	<b>93,700.00</b>	<b>93,700.00</b>	<b>93,700.00</b>
... 2 DEPT. EXPENSES:	1,000.00	850.00	850.00	850.00
<b>DEPT 193 OLD TOWN HALL:</b>	<b>1,000.00</b>	<b>850.00</b>	<b>850.00</b>	<b>850.00</b>
... 2 DEPT. EXPENSES:	4,000.00	4,000.00	4,000.00	4,000.00

<b>DEPT 195 TOWN REPORTS:</b>	<b>4,000.00</b>	<b>4,000.00</b>	<b>4,000.00</b>	<b>4,000.00</b>
... 2 DEPT. EXPENSES:	19,000.00	14,700.00	14,700.00	14,700.00
<b>DEPT 196 TOWN BUILDINGS:</b>	<b>19,000.00</b>	<b>14,700.00</b>	<b>14,700.00</b>	<b>14,700.00</b>
... 2 DEPT. EXPENSES:	210,000.00	0.00	0.00	0.00
<b>DEPT 199 DUE TO OTHER FUNDS:</b>	<b>210,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
... 1 SALARIES & WAGES:	1,887,631.00	1,964,169.07	1,851,433.00	1,851,433.00
... 2 DEPT. EXPENSES:	142,632.00	164,632.00	154,632.00	154,632.00
<b>DEPT 210 POLICE DEPARTMENT:</b>	<b>2,030,263.00</b>	<b>2,128,801.07</b>	<b>2,006,065.00</b>	<b>2,006,065.00</b>
... 1 SALARIES & WAGES:	14,153.00	14,396.13	14,078.00	14,078.00
... 2 DEPT. EXPENSES:	34,500.00	61,887.50	36,887.50	36,887.50
<b>DEPT 211 POLICE STATION:</b>	<b>48,653.00</b>	<b>76,283.63</b>	<b>50,965.50</b>	<b>50,965.50</b>
... 2 DEPT. EXPENSES:	48,000.00	65,233.84	54,233.84	54,233.84
<b>DEPT 212 POLICE CRUISERS:</b>	<b>48,000.00</b>	<b>65,233.84</b>	<b>54,233.84</b>	<b>54,233.84</b>
... 2 DEPT. EXPENSES:	1,500.00	0.00	0.00	0.00
<b>DEPT 213 LICENSING ENFORCEMENT:</b>	<b>1,500.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
... 1 SALARIES & WAGES:	360,223.00	443,011.00	379,026.00	379,026.00
... 2 DEPT. EXPENSES:	108,996.00	130,964.00	130,964.00	130,964.00
<b>DEPT 220 FIRE DEPARTMENT:</b>	<b>469,219.00</b>	<b>573,975.00</b>	<b>509,990.00</b>	<b>509,990.00</b>
... 1 SALARIES & WAGES:	288,422.00	316,573.99	309,884.00	309,884.00
... 2 DEPT. EXPENSES:	43,700.00	43,700.00	43,700.00	43,700.00
<b>DEPT 225 COMMUNICATION CENTER:</b>	<b>332,122.00</b>	<b>360,273.99</b>	<b>353,584.00</b>	<b>353,584.00</b>
... 1 SALARIES & WAGES:	89,800.00	92,890.00	90,238.00	90,238.00
... 2 DEPT. EXPENSES:	6,165.00	6,165.00	6,165.00	6,165.00
<b>DEPT 241 BUILDING INSPECTOR:</b>	<b>95,965.00</b>	<b>99,055.00</b>	<b>96,403.00</b>	<b>96,403.00</b>
... 1 SALARIES & WAGES:	8,483.00	8,802.00	8,287.00	8,287.00
... 2 DEPT. EXPENSES:	900.00	900.00	900.00	900.00
<b>DEPT 242 GAS INSPECTOR:</b>	<b>9,383.00</b>	<b>9,702.00</b>	<b>9,187.00</b>	<b>9,187.00</b>
... 1 SALARIES & WAGES:	8,483.00	8,802.00	8,287.00	8,287.00
... 2 DEPT. EXPENSES:	1,000.00	1,000.00	1,000.00	1,000.00
<b>DEPT 243 PLUMBING INSPECTOR:</b>	<b>9,483.00</b>	<b>9,802.00</b>	<b>9,287.00</b>	<b>9,287.00</b>
... 2 DEPT. EXPENSES:	826.00	1,000.00	1,000.00	1,000.00
<b>DEPT 244 WEIGHTS &amp; MEASURERS:</b>	<b>826.00</b>	<b>1,000.00</b>	<b>1,000.00</b>	<b>1,000.00</b>
... 1 SALARIES & WAGES:	12,492.00	12,961.00	12,204.00	12,204.00
... 2 DEPT. EXPENSES:	1,900.00	1,900.00	1,900.00	1,900.00
<b>DEPT 245 WIRE INSPECTOR:</b>	<b>14,392.00</b>	<b>14,861.00</b>	<b>14,104.00</b>	<b>14,104.00</b>
... 1 SALARIES & WAGES:	1,200.00	1,200.00	1,200.00	1,200.00

... 2 DEPT. EXPENSES:	1,300.00	1,300.00	1,300.00	1,300.00
<b>DEPT 291 CIVIL DEFENSE:</b>	<b>2,500.00</b>	<b>2,500.00</b>	<b>2,500.00</b>	<b>2,500.00</b>
... 2 DEPT. EXPENSES:	32,000.00	36,000.00	36,000.00	36,000.00
<b>DEPT 292 DOG OFFICER EXPENSE:</b>	<b>32,000.00</b>	<b>36,000.00</b>	<b>36,000.00</b>	<b>36,000.00</b>
... 2 DEPT. EXPENSES:	5,000.00	5,150.00	5,150.00	5,150.00
<b>DEPT 294 TREE WARDEN:</b>	<b>5,000.00</b>	<b>5,150.00</b>	<b>5,150.00</b>	<b>5,150.00</b>
... 2 DEPT. EXPENSES:	200.00	200.00	200.00	200.00
<b>DEPT 296 INSECT &amp; PEST CONTROL:</b>	<b>200.00</b>	<b>200.00</b>	<b>200.00</b>	<b>200.00</b>
... 2 DEPT. EXPENSES:	1,400.00	1,400.00	1,400.00	1,400.00
<b>DEPT 297 DUTCH ELM DISEASE:</b>	<b>1,400.00</b>	<b>1,400.00</b>	<b>1,400.00</b>	<b>1,400.00</b>
... 2 DEPT. EXPENSES:	0.00	0.00	0.00	0.00
<b>DEPT 298 FENCE VIEWER:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
... 1 SALARIES & WAGES:	775.00	775.00	775.00	775.00
... 2 DEPT. EXPENSES:	0.00	0.00	0.00	0.00
<b>DEPT 299 INSPECTOR OF ANIMALS:</b>	<b>775.00</b>	<b>775.00</b>	<b>775.00</b>	<b>775.00</b>
... 1 SALARIES & WAGES:	11,831,952.00	13,169,545.00	13,169,545.00	13,169,545.00
... 2 DEPT. EXPENSES:	3,286,970.00	3,477,470.00	3,477,470.00	3,477,470.00
<b>DEPT 300 SCHOOL DEPARTMENT:</b>	<b>15,118,922.00</b>	<b>16,647,015.00</b>	<b>16,647,015.00</b>	<b>16,647,015.00</b>
	<i>* Contingent on passage of override</i>			
... 2 DEPT. EXPENSES:	429,066.00	624,468.00	624,468.00	624,468.00
<b>DEPT 301 GR. LOWELL REG. SCHOOL:</b>	<b>429,066.00</b>	<b>624,468.00</b>	<b>624,468.00</b>	<b>624,468.00</b>
... 2 DEPT. EXPENSES:	0.00	0.00	0.00	0.00
<b>DEPT 305 SCHOOL D.A.R.E. OFFICER:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
... 2 DEPT. EXPENSES:	24,000.00	11,000.00	11,000.00	11,000.00
<b>DEPT 420 TOWN ENGINEER</b>	<b>24,000.00</b>	<b>11,000.00</b>	<b>11,000.00</b>	<b>11,000.00</b>
... 1 SALARIES & WAGES:	469,910.00	469,088.60	458,575.00	458,575.00
<b>DEPT 421 HIGHWAY SALARIES &amp; WAGES:</b>	<b>469,910.00</b>	<b>469,088.60</b>	<b>458,575.00</b>	<b>458,575.00</b>
... 2 DEPT. EXPENSES:	96,750.50	76,419.55	66,894.05	66,894.05
<b>DEPT 422 HWY MACHINERY FUND:</b>	<b>96,750.50</b>	<b>76,419.55</b>	<b>66,894.05</b>	<b>66,894.05</b>
... 1 SALARIES & WAGES:	37,500.00	37,500.00	37,500.00	37,500.00
... 2 DEPT. EXPENSES:	87,500.00	87,500.00	87,500.00	87,500.00
<b>DEPT 423 HWY SNOW EXPENSE:</b>	<b>125,000.00</b>	<b>125,000.00</b>	<b>125,000.00</b>	<b>125,000.00</b>
... 2 DEPT. EXPENSES:	33,750.00	39,050.00	39,050.00	39,050.00
<b>DEPT 424 HWY STREET LIGHTING:</b>	<b>33,750.00</b>	<b>39,050.00</b>	<b>39,050.00</b>	<b>39,050.00</b>

... 1 SALARIES & WAGES:	2,000.00	2,000.00	2,000.00	2,000.00
... 2 DEPT. EXPENSES:	68,000.00	68,000.00	63,000.00	63,000.00
<b>DEPT 425 HWY TOWN MAINTENANCE:</b>	<b>70,000.00</b>	<b>70,000.00</b>	<b>65,000.00</b>	<b>65,000.00</b>
... 2 DEPT. EXPENSES:	2,000.00	2,000.00	2,000.00	2,000.00
<b>DEPT 426 HWY SPECIAL SIGNS:</b>	<b>2,000.00</b>	<b>2,000.00</b>	<b>2,000.00</b>	<b>2,000.00</b>
... 2 DEPT. EXPENSES:	53,800.00	53,800.00	53,800.00	53,800.00
<b>DEPT 427 HIGHWAY CONSTRUCTION:</b>	<b>53,800.00</b>	<b>53,800.00</b>	<b>53,800.00</b>	<b>53,800.00</b>
... 2 DEPT. EXPENSES:	0.00	0.00	0.00	0.00
<b>DEPT 428 HIGHWAY ARTICLES:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
... 2 DEPT. EXPENSES:	7,300.00	7,300.00	7,300.00	7,300.00
<b>DEPT 429 HWY UNIFORM ALLOWANCE:</b>	<b>7,300.00</b>	<b>7,300.00</b>	<b>7,300.00</b>	<b>7,300.00</b>
... 2 DEPT. EXPENSES:	5,000.00	5,000.00	5,000.00	5,000.00
<b>DEPT 432 HWY SNOW UNACCEPTED RDS:</b>	<b>5,000.00</b>	<b>5,000.00</b>	<b>5,000.00</b>	<b>5,000.00</b>
... 1 SALARIES & WAGES:	27,522.00	28,900.00	28,900.00	28,900.00
... 2 DEPT. EXPENSES:	2,950.00	3,550.00	3,550.00	3,550.00
<b>DEPT 491 CEMETERY DEPARTMENT:</b>	<b>30,472.00</b>	<b>32,450.00</b>	<b>32,450.00</b>	<b>32,450.00</b>
... 1 SALARIES & WAGES:	5,300.00	8,200.00	8,200.00	8,200.00
... 2 DEPT. EXPENSES:	3,500.00	4,000.00	4,000.00	4,000.00
<b>DEPT 492 CEMETERY INTERMENTS:</b>	<b>8,800.00</b>	<b>12,200.00</b>	<b>12,200.00</b>	<b>12,200.00</b>
... 2 DEPT. EXPENSES:	22,299.37	0.00	0.00	0.00
<b>DEPT 493 CEMETERY IMPROVEMENT FUND:</b>	<b>22,299.37</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
... 1 SALARIES & WAGES:	35,850.00	47,170.00	35,543.00	35,543.00
... 2 DEPT. EXPENSES:	55,723.00	55,723.00	54,923.00	54,923.00
<b>DEPT 520 BOARD OF HEALTH:</b>	<b>91,573.00</b>	<b>102,893.00</b>	<b>90,466.00</b>	<b>90,466.00</b>
... 2 DEPT. EXPENSES:	3,000.00	3,000.00	0.00	0.00
<b>DEPT 521 DENTAL PROGRAM:</b>	<b>3,000.00</b>	<b>3,000.00</b>	<b>0.00</b>	<b>0.00</b>
... 2 DEPT. EXPENSES:	2,000.00	2,000.00	2,000.00	2,000.00
<b>DEPT 522 NURSING CONTRACT:</b>	<b>2,000.00</b>	<b>2,000.00</b>	<b>2,000.00</b>	<b>2,000.00</b>
... 2 DEPT. EXPENSES:	200.00	200.00	200.00	200.00
<b>DEPT 523 MENTAL HEALTH ASSESSMENT:</b>	<b>200.00</b>	<b>200.00</b>	<b>200.00</b>	<b>200.00</b>
... 2 DEPT. EXPENSES:	842,642.00	853,000.00	837,000.00	837,000.00
<b>DEPT 524 RUBBISH &amp; RECYCLING CONTRACT:</b>	<b>842,642.00</b>	<b>853,000.00</b>	<b>837,000.00</b>	<b>837,000.00</b>
... 2 DEPT. EXPENSES:	100.00	100.00	100.00	100.00

<b>DEPT 525 ANIMAL DISPOSAL:</b>	<b>100.00</b>	<b>100.00</b>	<b>100.00</b>	<b>100.00</b>
...				
... 2 DEPT. EXPENSES:	0.00	0.00	0.00	0.00
<b>DEPT 526 RECYCLING COMMITTEE:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
...				
... 1 SALARIES & WAGES:	25.00	25.00	25.00	25.00
<b>DEPT 527 INSPECTOR OF SLAUGHTER:</b>	<b>25.00</b>	<b>25.00</b>	<b>25.00</b>	<b>25.00</b>
...				
... 2 DEPT. EXPENSES:	12,000.00	14,000.00	14,000.00	14,000.00
<b>DEPT 528 HAZARDOUS WASTE:</b>	<b>12,000.00</b>	<b>14,000.00</b>	<b>14,000.00</b>	<b>14,000.00</b>
...				
... 2 DEPT. EXPENSES:	0.00	0.00	0.00	0.00
<b>DEPT 530 DEMOLITION &amp; PUBLIC HEALTH:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
...				
... 1 SALARIES & WAGES:	81,690.00	85,559.92	83,697.00	83,697.00
... 2 DEPT. EXPENSES:	5,660.00	6,205.00	6,205.00	6,205.00
<b>DEPT 541 COUNCIL ON AGING:</b>	<b>87,350.00</b>	<b>91,764.92</b>	<b>89,902.00</b>	<b>89,902.00</b>
...				
... 2 DEPT. EXPENSES:	27,130.47	17,153.50	17,153.50	17,153.50
<b>DEPT 542 COMMUNITY CENTER:</b>	<b>27,130.47</b>	<b>17,153.50</b>	<b>17,153.50</b>	<b>17,153.50</b>
...				
... 1 SALARIES & WAGES:	35,661.00	38,356.45	37,504.00	37,504.00
... 2 DEPT. EXPENSES:	1,975.00	1,975.00	1,975.00	1,975.00
<b>DEPT 543 VETERANS AGENT:</b>	<b>37,636.00</b>	<b>40,331.45</b>	<b>39,479.00</b>	<b>39,479.00</b>
...				
... 2 DEPT. EXPENSES:	59,700.00	62,685.00	62,685.00	62,685.00
<b>DEPT 544 VETERANS BENEFITS:</b>	<b>59,700.00</b>	<b>62,685.00</b>	<b>62,685.00</b>	<b>62,685.00</b>
...				
... 2 DEPT. EXPENSES:	750.00	750.00	750.00	750.00
<b>DEPT 545 VETERANS GRAVES:</b>	<b>750.00</b>	<b>750.00</b>	<b>750.00</b>	<b>750.00</b>
...				
... 2 DEPT. EXPENSES:	500.00	500.00	500.00	500.00
<b>DEPT 546 VETERANS FLAGS:</b>	<b>500.00</b>	<b>500.00</b>	<b>500.00</b>	<b>500.00</b>
...				
... 1 SALARIES & WAGES:	197,462.00	191,612.60	187,788.00	187,788.00
... 2 DEPT. EXPENSES:	66,617.00	96,490.44	83,490.44	83,490.44
<b>DEPT 610 LIBRARY:</b>	<b>264,079.00</b>	<b>288,103.04</b>	<b>271,278.44</b>	<b>271,278.44</b>
...				
... 2 DEPT. EXPENSES:	0.00	200.00	200.00	200.00
<b>DEPT 630 TOWN BEACH:</b>	<b>0.00</b>	<b>200.00</b>	<b>200.00</b>	<b>200.00</b>
...				
... 1 SALARIES & WAGES:	22,835.00	23,750.00	23,202.00	23,202.00
... 2 DEPT. EXPENSES:	12,419.00	29,858.00	20,358.00	20,358.00
<b>DEPT 655 RECREATION DEPARTMENT:</b>	<b>35,254.00</b>	<b>53,608.00</b>	<b>43,560.00</b>	<b>43,560.00</b>
...				
... 2 DEPT. EXPENSES:	900.00	900.00	900.00	900.00
<b>DEPT 660 MEMORIAL DAY COMM:</b>	<b>900.00</b>	<b>900.00</b>	<b>900.00</b>	<b>900.00</b>
...				
... 2 DEPT. EXPENSES:	850.00	850.00	850.00	850.00



<b>DEPT 691 HISTORICAL COMMISSION:</b>	<b>850.00</b>	<b>850.00</b>	<b>850.00</b>	<b>850.00</b>
... 2 DEPT. EXPENSES:	1,099,769.00	1,100,636.00	1,080,701.00	1,080,701.00
<b>DEPT 710 LONG TERM DEBT:</b>	<b>1,099,769.00</b>	<b>1,100,636.00</b>	<b>1,080,701.00</b>	<b>1,080,701.00</b>
... 2 DEPT. EXPENSES:	878,630.00	526,141.00	520,187.00	520,187.00
<b>DEPT 760 LONG TERM DEBT INTEREST:</b>	<b>878,630.00</b>	<b>526,141.00</b>	<b>520,187.00</b>	<b>520,187.00</b>
... 2 DEPT. EXPENSES:	3,602,253.00	4,086,903.00	4,086,317.00	4,086,317.00
<b>DEPT 910 INSURANCES:</b>	<b>3,602,253.00</b>	<b>4,086,903.00</b>	<b>4,086,317.00</b>	<b>4,086,317.00</b>
<b>TOTALS:</b>	<b>28,031,961.31</b>	<b>30,094,160.59</b>	<b>29,628,775.33</b>	<b>29,628,775.33</b>
<i>* Contingent on passage of override</i>				
<b>SEWER FUND BUDGET</b>				
... 1 SALARIES & WAGES:	124,300.00	161,845.00	154,286.00	154,286.00
... 2 DEPT. EXPENSES:	667,489.00	1,013,693.00	1,039,582.00	1,039,582.00
<b>TOTAL SEWER FUND BUDGET</b>	<b>791,789.00</b>	<b>1,175,538.00</b>	<b>1,193,868.00</b>	<b>1,193,868.00</b>
<b>SUMMARY BY FUNCTION</b>				
GENERAL GOVERNMENT	1,386,868.97	1,288,613.00	1,169,925.00	1,169,925.00
PUBLIC SAFETY	3,101,681.00	3,385,012.53	3,150,844.34	3,150,844.34
EDUCATION	15,547,988.00	17,271,483.00	17,271,483.00	17,271,483.00
HIGHWAY & CEMETERY	949,081.87	903,308.15	878,269.05	878,269.05
HUMAN SERVICES	1,164,606.47	1,188,402.87	1,154,260.50	1,154,260.50
CULTURAL & RECREATION	301,083.00	343,661.04	316,788.44	316,788.44
DEBT	1,978,399.00	1,626,777.00	1,600,888.00	1,600,888.00
INSURANCE	3,602,253.00	4,086,903.00	4,086,317.00	4,086,317.00
SEWER	791,789.00	1,175,538.00	1,193,868.00	1,193,868.00
<b>TOTAL TOWN &amp; SEWER BUDGET</b>	<b>28,823,750.31</b>	<b>31,269,698.59</b>	<b>30,822,643.33</b>	<b>30,822,643.33</b>

**Motion:** That the Town vote Article 5 as printed exclusive of the Selectmen's budget, Dept. #122, Town Meeting Articles Dept. #124, Tyngsborough Public Schools Dept #300 and Library Budget Dept #610.

**Action:** Carries.

**Motion:** To take Sewer budget out.

**Action:** Carries.

**Motion:** That the Selectmen's Dept #122 Salaries and Wages are reduced from \$66,663 to \$65,426. Expenses remain the same and the total Selectmen's budget is \$72,616.

**Action:** Carries.

**Motion:** That Town Meeting Articles Dept. #124 for \$82,000 remains the same and be used for arbitrage expenses. Article 11 will be withdrawn.

**Action:** Carries.

**Motion:** That the total budget for the Tyngsborough Public Schools is reduced from \$16,647,015 to \$15,265,487 with \$11,914,998 for salaries and \$3,350,489 for expenses.

**Action:** Carries.

**Motion:** That the Library Dept. #610 Salaries and Wages are increased from \$187,788 to \$189,025. The expenses remain the same and the total library budget is \$272,515.44.

**Action:** Carries.

**Motion:** That the Sewer Enterprise Salaries be increased to \$156,845 and the Expenses stay the same to have a new department total of \$1,196,42.

**Action:** Vote on the lower amount first. Voice vote too close to call. Hand count required. Yes votes to approve the lower amount – 138; no votes – 49. Carries.

Changes voted on above:

Salaries & Wages	Reduced \$1,237	65,426.00
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Dept Expenses	No change	7,190.00
Dept 122 Selectmen:	Total	72,616.00
Salaries & Wages	Reduced \$1,254,547	11,914,998.00
Dept Expenses	Reduced \$126,981	3,350,489.00
Dept 300 School Department:	Total	15,265,487.00
Salaries & Wages	Increased \$1,237	189,025.00
Dept Expenses	No change	83,490.44
Dept 610 Library:	Total	272,515.44
General Government	Total	1,168,688.00
Education	Total	15,889,955.00
Cultural & Recreation	Total	318,025.44
Total Town & Sewer Budget		29,441,115.33

Meeting adjourned at 7:42 pm for the Special Town Meeting.

**Article 6.** To see if the Town will vote to appropriate the following amounts for the following three items, and that the appropriations are expressly contingent upon the Town voting to approve a capital outlay expenditure exclusion referendum question under proposition two and one-half, so-called, for the fiscal year beginning July 1, 2006, at a town election held prior to the date, or take any other action relative thereto.

Highway Front End Loader	\$154,000
Early Childhood Center Roof Phase II	\$176,000
Fire Engine #1	<u>\$300,000</u>
Total	\$630,000

**Motion:** That the Town vote to withdraw Article 6.

**Action:** Carries.

**Article 7.** To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow the sums of money called for under the following items, or any other sums, for the purposes indicated, or take any other action relative thereto.

Highway Dump Truck	\$117,000
Middle and High Schools Communications System	<u>\$275,000</u>
Total	\$392,000

**Motion:** That the Town vote the motion for Article 7 as printed in the Finance Committee Report.

**(Finance Committee Report Motion:** That the sum of \$392,000 is hereby appropriated to pay the costs of acquiring the following items of capital equipment:

Highway Dump Truck	\$117,000
Middle and High Schools Communications System	<u>\$275,000</u>
Total	\$392,000

And that to meet this appropriation, the Treasurer, with the approval of the Selectmen is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

**Action:** Moderator counts 8 no votes and in excess of 35 yes votes. Motion carries with a 2/3 vote.

**Article 8.** To see if the Town will vote to appropriate by transfer the sum of \$9,525.50, from Account #2400-000-3401-000 Vesper Development Impact Fees/Highway Department, to Account #0100-422-5850-000 for the FY07 Highway Department Truck Lease payment year 3, to be expended by the Highway Department, or take any other action relative thereto.

**Motion:** That the Town vote Article 8 as printed.

**Action:** Carries.

**Article 9.** To see if the Town will vote to certify the Chapter 90 Bond appropriation of \$217,283 as an available fund to be expended by the Board of Selectmen, or take any other action relative thereto.

**Motion:** That the Town vote Article 9 as printed.

**Action:** Carries.

**Article 10.** To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to the Highway Department salary and wages account and uniform account to fund an increase in the collective bargaining agreement with SEIU, Local 271, or take any other action relative thereto.

**Motion:** That the Town vote to withdraw this article.

**Action:** Carries.

**Article 11.** To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to be expended by the Board of Selectmen for the purpose of paying any penalties, rebates, or other expenses related to arbitrage for the Elementary School Building Project, or take any other action relative thereto.

**Motion:** That the article be withdrawn.

**Action:** Carries.

**Article 12.** To see if the Town will vote to re-authorize pursuant to the authority granted under Massachusetts General Laws Chapter 44, Section 53E½ a revolving fund for the purpose of receiving fees and making disbursements in connection with the duties of the Fire Department and that no more than \$20,000.00 be expended from this account in FY 2007, and that any surplus revenue accumulated in FY 2006 and FY 2007 shall remain in this revolving account. The Board of Fire Engineers or its designee shall be authorized to expend from this fund, or take any other action relative thereto.

**Motion:** That the Town vote Article 12 as printed.

**Action:** Carries.

**Motion:** To waive the reading of Articles 13 – 17.

**Action:** Carries.

**Article 13.** To see if the Town will vote to re-authorize pursuant to the authority granted under Massachusetts General Laws Chapter 44, Section 53E½ a revolving fund for the purpose of receiving fees and making disbursements in connection with the duties of the Recreation Committee and that no more than \$75,000.00 shall be expended from this fund during the Fiscal Year 2007, and that any surplus revenue accumulated in FY 2006 and FY 2007 shall remain in this revolving account. The Board of Selectmen or its designee shall be authorized to expend from this fund, or take any other action relative thereto.

**Motion:** That the Town vote Article 13 as printed.

**Action:** Carries.

**Article 14.** To see if the Town will vote to re-authorize pursuant to the authority granted under Massachusetts General Laws Chapter 44, Section 53E½ a revolving fund for the purpose of receiving fees and making disbursements in connection with the duties of the Recycling Committee and that no more than \$7,000.00 shall be expended from this fund during the Fiscal Year 2007, and that any surplus revenue accumulated in FY 2006 and FY 2007 shall remain in this revolving account. The Board of Health or its designee shall be authorized to expend from this fund, or take any other action relative thereto.

**Motion:** That the Town vote Article 14 as printed.

**Action:** Carries.

**Article 15.** To see if the Town will vote to re-authorize pursuant to the authority granted under Massachusetts General Laws, Chapter 44, Section 53E½ a revolving fund for the purpose of receiving fees and making disbursements in connection with the duties and programs of the Board of Health in collection and disposal of bulky items and appliances, and that no more than \$30,000.00 shall be expended from this fund during the Fiscal Year 2007, and that any surplus revenue accumulated in FY 2006 and FY 2007 shall remain in this revolving account. The Board of Health or its designee shall be authorized to expend from this fund, or take any other action relative thereto.

**Motion:** That the Town vote Article 15 as printed.

**Action:** Carries.

**Article 16.** To see if the Town will vote to re-authorize pursuant to the authority granted under Massachusetts General Laws, Chapter 44, Section 53E½ a revolving fund for the purpose of receiving fees and making disbursements in connection with the Reimbursement Program for Medicare Plan Members and that no more than \$6,000.00 shall be expended from this fund during the Fiscal Year 2007, and that any surplus revenue accumulated in FY 2006 and FY 2007 shall remain in this revolving account. The Board of Health or its designee shall be authorized to expend from this fund, or take any other action relative thereto.

**Motion:** That the Town vote Article 16 as printed.

**Action:** Carries.

**Article 17.** To see if the Town will vote to re-authorize pursuant to the authority granted under Massachusetts General Laws, Chapter 44, Section 53E½ a revolving fund for the purpose of receiving fees under the local Wetland Protection By-law and making disbursements in connection with the duties of the Conservation Commission and that no more than \$5,000.00 shall be expended from this fund during the Fiscal Year 2007, and that any surplus revenue accumulated in FY 2006 and FY 2007 shall remain in this revolving account. The Conservation Commission or its designee shall be authorized to expend from this fund, or take any other action relative thereto.

**Motion:** That the Town vote Article 17 as printed.

**Action:** Carries.

**Article 18.** To see if the Town will vote to authorize pursuant to the authority granted under Massachusetts General Laws Chapter 44, Section 53E½ a revolving fund for the purpose of receiving advertisement fees and notification fees and making related disbursements in connection with the duties of the Planning Board and that no more than \$5,000.00 shall be expended from this fund during the Fiscal Year 2007, and that any surplus revenue accumulated in FY 2007 shall remain in this revolving account. The Planning board or its designee shall be authorized to expend from this fund, or take any other action relative thereto.

**Motion:** To withdraw Article 18.

**Action:** Carries.

**Article 19.** To see if the Town will vote to transfer \$36,058 from existing Community Preservation Fund unreserved revenues to the Community Preservation Administration FY 2007 Expense Account, for administrative fees to support the Community Preservation Committee in the review of project proposals and in the conduct of general business duties, including but not limited to, technical staffing and expertise, performing appraisals, environmental site assessments, legal advertisements, publication fees, generation of a Community Preservation Plan, and other such expenses, or take any other action relative thereto.

**Motion:** That the Town vote Article 19 as printed.

**Action:** Carries.

**Article 20.** To see if the Town will vote to raise, borrow, transfer, and/or appropriate \$47,000 from existing Community Preservation Fund unreserved revenues, for the Principal payment due on the Long term debt of Long Pond purchase and \$12,898 from existing unreserved revenues, for the Interest payment due on the Long term debt of Long Pond purchase, or take any other action relative thereto.

**Motion:** That the Town vote to transfer \$47,000 from existing Community Preservation Fund unreserved revenues, for the Principal payment due on the Long term debt of Long Pond purchase and \$12,898 from existing unreserved revenues, for the Interest payment due on the Long term debt of Long Pond purchase.

**Action:** Carries.

**Article 21.** To see if the Town will vote to reserve \$72,165 from estimated FY 2006 Community Preservation Fund revenues for historic preservation to the Community Preservation Fund Historic Reserve account, or take any other action relative thereto.

**Motion:** That the Town vote Article 21 as printed.

**Action:** Carries.

**Article 22.** To see if the Town will vote to reserve \$72,165 from estimated FY 2006 Community Preservation Fund revenues for Affordable Housing initiatives to the Community Preservation Fund Affordable Housing Reserve account, or take any other action relative thereto.

**Motion:** That the Town vote Article 22 as printed.

**Action:** Carries.

**Article 23.** To see if the Town will vote to reserve \$72,165 from estimated FY 2006 Community Preservation Fund revenues for Open Space initiatives to the Community Preservation Fund Open Space Reserve account, or take any other action relative thereto.

**Motion:** That the Town vote Article 23 as printed.

**Action:** Carries.

**Article 24.** To see if the Town will vote to reserve \$504,670 from estimated FY 2006 Community Preservation Fund revenues for unreserved Community Preservation Act purposes to the Community Preservation Fund Unreserved Funds Reserve account, or take any other action relative thereto.

**Motion:** That the Town vote Article 24 as printed.

**Action:** Carries.

**Article 25.** To see if the Town will vote to authorize the Board of Selectmen and the School Committee, pursuant to M.G.L. c. 40, section 4A, and/or any other enabling authority, to enter into an intramunicipal agreement to provide jointly for the care, use, and maintenance of certain recreational fields located at the elementary school and the high school, or take any other action relative thereto.

**Motion:** That the Town vote the Article as printed.

**Action:** Carries.

**Article 26.** To see if the Town will vote to raise, borrow, transfer, and/or appropriate from existing Community Preservation Fund unreserved revenues and from existing Open Space revenues the sum of \$675,000 for the purpose of creating two New Multi-use Recreation Spaces at the sites currently known as the Tyngsborough Elementary School and Pierce Field, or take any other action relative thereto.

**Motion:** That the Town vote to transfer from existing Community Preservation Fund unreserved revenues and from existing Open Space revenues the sum of \$675,000 for the purpose of creating two New Multi-use Recreation Spaces at the sites currently known as the Tyngsborough Elementary School and Pierce Field, contingent upon a signed intramunicipal agreement between the Board of Selectmen and School Committee.

**Action:** Carries.

**Article 27.** To see if the Town of Tyngsborough will, in accordance with M.G.L. C.40, section 4A, authorize the Tyngsborough Board of Health to enter into an intermunicipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an InterMunicipal Mutual Aid Agreement to be entered into between the Town and various governmental units, or take any other action relative thereto.

**Motion:** That the Town vote Article 27 as printed.

**Action:** Carries.

**Article 28.** To see if the Town will vote to appropriate by transfer from its unrestricted revenues to the School Committee budget the reimbursements received by the town, pursuant to M.G.L. C. 44, Sec. 72, for medical services provided to school pupils who are in residential special education programs pursuant to the provisions of Chapter 71B and all federal reimbursements received for other reimbursable medical services provided by the school department pursuant to state or federal law to students requiring educational or related medical services, such sums to be expended for any lawful purpose by the committee, or take any other action relative thereto.

**Motion:** That the Town vote Article 28 as printed.

**Action:** Carries.

**Article 29.** To see if the Town will vote to amend the Zoning By-Laws, Section 2.11.30, by adding the following: After "Education," the number "10" for footnote, and after Notes to Section 2.11.30, add "Footnotes #10, See Section 2.11.43, Education," and to add the following paragraph, under Section 2.11.43, Education:

Within education facilities containing more than 100,000 square feet of floor space, a commercial bank shall be permitted as an educational component, provided that: The bank operation shall be conducted entirely within the school building; shall have no exterior signs or interior signs closer than ten (10) feet from any window; shall have no parking spaces identified for use by the bank; shall occupy less than one (1 %) percent of the entire floor space of the school building; shall employ students in a training program as part of the school's educational curriculum; shall operate only during normal school hours; and any automatic teller machine shall operate only when the school building is open. Or take any other action relative thereto.

**Motion:** To amend the Article to add "and credit unions" after the words "commercial bank".

**Action:** Carries.

**Motion:** To accept the Article as amended.

**Action:** Voice vote not unanimous. Hand count required: moderator counted 2 opposed and in excess of 35 in favor. Motion carries.

**Article 30.** To see if the Town will vote to authorize the sale of unused woodwork tools (hand and power), with revenues to be deposited into a special account controlled by the School Committee and used only for the purpose of retrofitting underused space at the High School to Science Laboratories, or take any other action relative thereto.

**Motion:** That the Town vote Article 30 as printed.

**Action:** Carries.

**Article 31.** To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow \$56,000 to pay for any additional costs for Phase I of repairing/replacing the roof at the Tyngsborough Early Childhood Center located at

135 Coburn Road, including but not limited to all associated design and/or bidding costs expended by the School Committee, or take any other action relative thereto.

**Motion:** That the Town vote the motion for Article 31 as printed in the Finance Committee Report.

**Finance Committee Report Motion:** That the sum of \$56,000 is hereby appropriated to pay for any additional costs for Phase I of repairing/replacing the roof at the Tyngsborough Early Childhood Center located at 135 Coburn Road, including but not limited to all associated design and/or bidding costs expended by the School Committee, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

**Action:** Carries unanimously.

**Article 32.** To see if the Town will vote to rescind Article 28 of the September 22, 1998, Special Town Meeting and to terminate the Elementary School Building Committee and to transfer any and all funds remaining in the said Committee's account to the Board of Selectmen for the purposes of Article 30 of the September 22, 1998, Special Town Meeting and Article 1 of the October 26, 1999, Special Town Meeting, or take any other action relative thereto.

**Motion:** That the Town vote to rescind Article 28 of the September 22, 1998, Special Town Meeting and to terminate the Elementary School Building Committee and to transfer any and all funds remaining in the said Committee's account to the Board of Selectmen for the purposes of Article 30 of the September 22, 1998, Special Town Meeting and Article 1 of the October 26, 1999, Special Town Meeting and Article 1 of the April 11, 2000 Special Town Meeting.

**Action:** Carries.

**Article 33.** To see if the Town will vote to appropriate by transfer, the sum of \$90,000 from the retained earnings account to the expense account for FY 2006 in the Sewer Enterprise Fund, and to appropriate by transfer, a sum of money from the retained earnings account to the expense account for FY 2007 in the Sewer Enterprise Fund, or take any other action relative thereto.

**Motion:** That the Town vote the motion for Article 33 as printed in the Finance Committee Report.

**Finance Committee Report Motion:** That the sum of \$90,000 is appropriated by transfer from the retained earnings account to the expense account for FY2006 in the Sewer Enterprise Fund.

**Action:** Carries.

**Article 34.** To see if the Town will vote to appropriate a sum of money for the purpose of financing Phase III and Phase IV of the Comprehensive Wastewater Management Plan; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise, or take any other action relative thereto.

**Motion:** That the Town vote the motion for Article 34 as printed in the Finance Committee Report. The sum of money is \$300,000.00.

**Finance Committee Report Motion:** That the Town appropriate \$300,000 for the purpose of financing Phase III and Phase IV of the Comprehensive Wastewater Management Plan including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow a sum of money and issue bonds or notes therefore under Chapter 44 of the General Laws, other applicable general or special law governing the issuance of local bonds and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Selectmen determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Treasurer with the approval of the Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Sewer Commission or other appropriate local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to tank any other action necessary to carry out the project.

**Action:** Carries unanimously.

**Article 35.** To see if the Town will vote to direct the Board of Selectmen to place a Conservation Restriction on the Greene Property. Said Restrictions shall be overseen by the Conservation Commission, or take any other action relative thereto.

**Motion:** That the Town vote to direct the Board of Selectmen to place a Conservation Restriction on the Greene Property. Said Restrictions shall be overseen by the Conservation Commission.

**Action:** Does not carry.

**Article 36.** To see if the Town will vote to accept the creditable service provisions of the Contributory Retirement Systems Law (Massachusetts General Laws Chapter 32, Section 4, Sub-section (2), (b&1/2) as may be amended from time to time) to accept service as a permanent, intermittent or call firefighter to be credited as full-time service as provided in the statute for purposes of entitlements to contributory retirement system benefits. The acceptance of this section shall not be conditioned upon the appointment of said permanent, intermittent or call firefighter as a permanent member of the fire department. Or take any other action relative thereto.

**Motion:** To accept as printed.

**Motion:** To allow Andy Ray to speak.

**Action:** Carries.

**Action:** Original Article does not carry.

**Article 37.** An Act Placing the Police Department of the Town of Tyngsborough under the Civil Service Law.

Be it enacted by the Senate and House of Representatives in General court assembled, and by the authority of the same as follows:

Section 1. Notwithstanding any general or special law to the contrary, excluding the position of Chief of the police department, the positions of regular and permanent members of the police department, in the town of Tyngsborough shall be subject to chapter 31 of the General Laws. The tenure of any incumbent regular and permanent member of the police department on the effective date of this act shall be unlimited, subject to said chapter 31.

Section 2. Police personnel of the Tyngsborough police department hired during the 6-month period preceding the effective date of this act shall be included as civil service employees under chapter 31 of the General Laws, subject to any applicable probationary period.

Section 3. Incumbents of the Tyngsborough police department shall not be required to pass a qualifying examination for their current positions but shall be required to pass a competitive examination under chapter 31 of the General Laws to obtain a higher rank.

Section 4. This act shall take effect upon its passage.

Or take any other action relative thereto.

**Motion:** To accept as printed.

**Motion:** To allow Atty. Gary Nolan to speak.

**Action:** Carries.

**Action:** Article does not carry.

**Article 38.** To see if the Town will vote to express its resolution as a body corporate and politic, assembled in town meeting, for the guidance of the Town's selectmen or for any other lawful purpose, relative to the most desirable site and location for a second permanent bridge in the Town crossing the Merrimack River, to wit, whether the bridge should be sited just South of the New Hampshire State line as it runs from Middlesex Road, crossing the river, to Frost Road, which said location is identified by MassHighway Department as "Alternative 14" in the New Tyngsborough Bridge Transportation Study; or whether some other location should be preferred, or to take any other action relative thereto.

**Motion:** To accept as printed.

**Action:** Does not carry.

**Article 39.** To see if the Town will vote to change the Tyngsborough Zoning By Law as follows:

**Major Business Complex**

**Remove existing first paragraph in Section 4.10.10 (page 82)**

Any premises having more than 3,000 square feet gross floor area used as retail stores or services (including motor vehicle), restaurant, fast food establishment, bank, finance agency, or indoor or outdoor commercial recreation shall be considered a Major Business Complex. Construction or change of use resulting in such a complex is allowable only if granted a Special Permit by the Special Permit Granting Authority. The Special Permit Granting Authority shall be as designated for particular use in Section 2.11.30 of this By-law or the Planning Board if the principal use does not require a Special Permit.

**Replace with:**

**4.10.10 Applicability and Objectives**

Any Business Use (see Section 2.11.30 of this By-law) having more than 3,000 square feet gross floor area shall be considered a Major Business Complex. Construction or change of use resulting in such a complex is allowable only if granted a Special Permit by the Special Permit Granting Authority. The Special Permit Granting Authority shall be as designated in

Section 2.11.30 of this Bylaw or the Planning Board if the principal use does not require a Special Permit, or take any other action relative thereto.

**Motion:** That the Town vote to withdraw this article.

**Action:** Carries.

**Article 40.** To see if the Town will vote to change the Tyngsborough Zoning By-Law as follows:

**Major Business Complex**

**Remove Section 4.10.21 Specific Requirements, subsection 1. (Page 82)**

1. A site plan as per section 1.16.20

**Replace with:**

1. The application shall include the information outlined in Section 1.16.22 Application Contents unless waived in accordance with Section 1.16.23 of this By-Law, or take any other action relative thereto.

**Motion:** That the Town vote Article 40 as printed.

**Action:** Carries unanimously.

**Article 41.** To see if the Town will vote to re-zone from B3 and I1 to B3 a certain parcel of land situated on the westerly side of Middlesex Road in the Town of Tyngsborough, Middlesex County, Massachusetts containing approximately 29.97 acres of land and buildings more or less and which is more particularly shown on a plan entitled "As-Built Survey, T. J. Maxx Plaza in Tyngsboro, MA, for Development East, dated June, 1987, Scale: 1"=40', prepared by: DiPrete, Marchionda & Assoc., Inc., 80 Maple Street, Stoneham, MA 02180," which Plan consists of three sheets and is recorded with the Middlesex North District Registry of Deeds in Plan Book 160 as Plan 96. Said property is more particularly described in a deed recorded at Book 6393, Page 261 recorded on March 30, 1993 in the Middlesex North district Registry of Deeds. The property has a street address of 440 Middlesex Road, Tyngsborough, Middlesex County, Massachusetts. The property is also shown on the Town of Tyngsborough Tax Assessor's Maps as Map 11, Block 5, Lot 0, or take any other action relative thereto.

**Motion:** To accept as printed.

**Action:** Carries unanimously.

**Motion:** Motion to waive the reading of Article 42.

**Action:** Carries.

**Article 42.** To see if the Town will vote to re-zone from R1 to B3 a certain parcel of land situated on Dunstable Road in the Town of Tyngsborough, Middlesex County, Massachusetts containing approximately 3.58 acres of land more or less and which is more particularly shown on a plan recorded in the Middlesex North District Registry of Deeds in Plan Book 211, Plan 39. The property is also described in a deed recorded at Book 16181, Page 32 recorded in the Middlesex North District Registry of Deeds on September 10, 2003. The property has a street address of 401 Dunstable Road, Tyngsborough, Middlesex County, Massachusetts. The property is also shown on the Tyngsborough Tax Assessor's Maps as Map 22, Block 11, Lot 0, or take any other action relative thereto.

**Motion:** To accept as printed.

**Action:** Carries unanimously.

**Motion:** Motion to waive the reading of Article 43.

**Action:** Carries.

**Article 43.** To see if the Town will vote to re-zone from R1 and B2 to R1 a certain parcel of land situated on the northwesterly side of Farwell Road in the Town of Tyngsborough, Middlesex County, Commonwealth of Massachusetts, being shown as Lot 1 on a plan of land entitled "Land of Tyngsboro, Mass. surveyed for Robert D. Lambert" dated March, 1982, Charles A. Perkins Co., Inc., civil engineers and surveyors, recorded at the North Middlesex District Registry of Deeds in Plan Book 136, Plan 80 and containing approximately 1.93 acres more or less. The street address is 9 Farwell Road, Tyngsborough, Massachusetts, 01879 and is more particularly described in a deed recorded at Book 18460, Page 100 recorded on March 2, 2005 in the North Middlesex District Registry of Deeds. The parcel is also further described as Map 20, Parcel 56A of the Town of Tyngsborough Tax Assessor's Maps, or take any other action relative thereto.

**Motion:** To accept as printed.

**Action:** Carries unanimously.

**Motion:** Motion to waive the reading of Article 44.

**Action:** Carries.

**Article 44.** To see if the Town will vote to re-zone from R1 and B2 to R1 a certain parcel of land situated on the northwesterly side of Farwell Road in the Town of Tyngsborough, Middlesex County, Commonwealth of Massachusetts, being



shown as Map 20, Parcel 57A on the Town of Tyngsborough Tax Assessor's Maps and containing approximately .50 acres more or less. The street address is 7 Farwell Road, Tyngsborough, MA 01879 and is more particularly described in a deed recorded at Book 18460, Page 101 recorded on March 2, 2005 in the North Middlesex District Registry of Deeds, or take any other action relative thereto.

**Motion:** To accept as printed.

**Action:** Moderator counts 2 no votes and in excess of 35 yes votes. Carries in excess of 2/3 required.

**Motion:** Motion to waive the reading of Article 45.

**Action:** Carries.

**Article 45.** To see if the Town will vote to re-zone from R1 to R3 a certain parcel of land situated on the northeasterly side of Worden Road in the Town of Tyngsborough, Middlesex County, Massachusetts containing approximately 7.419 acres of land more or less and which is more particularly shown on a plan recorded in the Middlesex North District Registry of Deeds in Plan Book 218, Plan 80 and which is more particularly depicted on a Plan dated February 13, 2006 prepared by Polaris Engineering Corporation. The property is also described in a deed recorded at Book 11390, Page 77 recorded in the Middlesex North District Registry of Deeds on February 27, 2001. The property has a street address of 17 Worden Road, Tyngsborough, Middlesex County, Massachusetts. The property is also shown on the Tyngsborough Tax Assessor's Maps as Map 28, Block 36, or take any other action relative thereto.

**Motion:** To withdraw the Article.

**Action:** Carries unanimously.

**Motion:** Motion to waive the reading of Article 46.

**Action:** Carries.

**Article 46.** To see if the Town will vote to amend Article 2.15.11 of the Tyngsborough Zoning By-laws to read as follows:

2.15.10 Nonconforming Lots

2.15.11 Existing Lots – Any lot which complied with the minimum area, frontage, and lot width requirements, if any, in effect at the time the boundaries of the lot were defined by recorded deed or plan, may be built upon or used for single family residential use, notwithstanding the adoption of new or increased lot area, frontage, or lot width requirements, provided that:

1. At the time of adoption of such new or increased requirements or while building on such lot was otherwise permitted, whichever occurs later, such lot was held, and has contained to be held, in ownership separate from that of adjoining land; and
2. The lot has at least 5,000 square feet of area and 50 feet of frontage at the time the boundaries of the lot were defined.

Notwithstanding the above, the separate ownership requirements identified in Paragraph 1 which reads "such lot was held, and has continued to be held, in ownership separate from that of adjoining land" and the requirement of 50 feet of frontage identified in Paragraph 2, shall not be applicable to any lot shown on a plan entitled "Breezy Crest, Tyngsboro, Mass. Surveyed April 1, 1946 by M. G. Ferry, C. E." as recorded with the Middlesex North District Registry of Deeds Book of Plans 69, Plan 28, which has not been built upon and has been held continuously by an individual or by a trust controlled by said individual, on or before the adoption of the Tyngsborough Zoning Bylaw, May 20, 1955; and

3. Any proposed structure is situated on the lot so as to conform with the minimum yard requirements, if any, in effect at the time the boundaries of such lot were defined. In the case where no minimum yard requirements were in effect at the time the boundaries of such lot were defined, the minimum front yard shall be 20 feet and the minimum side and rear yards shall be 10 feet, or take any other action relative thereto.

**Motion:** To accept as printed.

**Action:** Carries unanimously.

**Article 47.** To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to supplement the Capital Asset Stabilization Fund, or take any other action relative thereto.

**Motion:** That the Town vote to withdraw Article 47.

**Action:** Carries unanimously.  
**Motion:** To adjourn the meeting.  
**Action:** Meeting adjourned at 10:45 PM.

Attest: A true copy.  
Joanne Shifres  
Town Clerk

## CONTINUATION OF SPECIAL TOWN MEETING – MAY 23, 2006

Place: Tyngsborough Elementary School  
Time: 7:36 PM  
Moderator: Robert L. Kydd, Jr.

Voters Present: 307

**Article 1.** To see if the Town will vote to appropriate by transfer a sum of monies from the Assistant Director's Salary Account #0100-610-5101-000 to the Salary & Wages Account #0100-610-5102-000, to be expended by the Board of Library Trustees, to adjust shortfalls in the FY2006 Salary & Wages Account, or take any other action relative thereto.

**Motion:** That the Town vote the motion for Article 1 as printed.

**Action:** Carries.

**Article 2.** To see if the Town will vote to appropriate by transfer a sum of monies from various municipal government accounts to certain municipal government accounts for FY06, or take any other action relative thereto.

**Motion:** That the Town vote the motion for Article 2 printed as follows:

\$ 3,994.64 from Treasurer Salary Acct. # 145-5100 to Treasurer Clerical Salary Acct. # 145-5102  
\$ 425.00 from Treasurer Salary Acct. # 145-5100 to Collector Clerical Salary Acct. # 146-5102  
\$ 1,900.00 from Treasurer Salary Acct. # 145-5100 to Cemetery Interment Salary Acct. # 492-5100  
\$ 221.00 from Treasurer Salary Acct. # 145-5100 to Council on Aging Salary Acct. # 541-5100

**Action:** Carries.

**Article 3.** To see if the Town will vote to appropriate by transfer a sum of monies from one or more municipal government accounts to the Reserve Fund for FY06, or take any other action relative thereto.

**Motion:** That the Town appropriate by transfer from FY06 available fund the following sums of money to supplement the reserve fund for FY06:

\$30,000 from Town Administrator Salary Acct #123-5100 to Reserve Fund Acct #132-5401  
\$33,000 from Administrator Assistant Salary Acct #123-5105 to Reserve Fund Acct #132-5401  
\$7,000 from Treasurer Salary Acct #145-5100 to Reserve Fund Acct #132-5401

**Action:** Carries.

Motion: To adjourn Special Town Meeting.  
Action: Meeting adjourned at 7:40 PM.

Attest: A true copy.

Joanne Shifres  
Town Clerk